

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

MAURICE JOHNSON, and
KELLY LYNETTE LUCAS, his wife,

Plaintiffs,

V.

CITY OF NEWARK, and,
NEWARK POLICE DEPARTMENT,

Defendants.

C. A. No. 07-103

**PLAINTIFFS' MOTION TO STAY DEFENDANTS' MOTION TO DISMISS
PENDING DETERMINATION OF PLAINTIFFS' MOTION TO REMAND
TO THE DELAWARE SUPERIOR COURT**

1. On February 21, 2007, Defendants' City of Newark and Newark Police Department removed the above case to the United States District for the District of Delaware pursuant to Title 28 United States Code §1332.
2. On February 28, 2007, Defendants filed an Opening Brief in support of their motion to dismiss pursuant to Federal Rule 12(b)(6).
3. On March 8, 2007, Plaintiffs' counsel received notice from Defendant that a motion to dismiss pursuant to Federal Rule 12(B)(6) had been filed in the United States District Court for the District of Delaware.
4. Plaintiffs' Answering Brief in response to Defendants' motion to dismiss is due 10 days, not including weekends, after receipt of the Motion to Dismiss, or March 22, 2007.
5. On March 19, 2007, Plaintiffs filed a Motion For Remand to the Delaware Superior Court pursuant to 28 U.S.C. § 1446, alleging that Defendants' removal to the

United States District Court for the District of Delaware was improper.

WHEREFORE, Plaintiffs Maurice Johnson and Kelly Lynette Lucas, by and through their attorneys, hereby move this Court for an Order staying Defendants' motion to dismiss pending determination of Plaintiffs' motion to remand to the Delaware Superior Court.

/S/ MORTON RICHARD KIMMEL
MORTON RICHARD KIMMEL, ESQUIRE
Kimmel, Carter, Roman & Peltz, P.A.
Bar ID: 132

/S/ LAWRENCE SPILLER KIMMEL
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DATE: March 19, 2007

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ORDER

IT IS HEREBY ORDERED this _____ day of _____,
2007, that Plaintiffs' Motion to Stay Defendants' Motion to Dismiss is stayed until
determination of Plaintiffs' Motion For Remand to the Delaware Superior Court.

JUDGE

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NOTICE OF SERVICE/MAILING

The undersigned, counsel for Plaintiffs, hereby certifies that on March 19, 2007, two (2) copies of the Plaintiffs' Motion to Stay Defendants' Motion to Dismiss Pending Plaintiffs' Motion to Remand to the Delaware Superior Court were served/mailed to:

Daniel A. Griffith, Esquire
Marshall, Dennehy, Warner, Coleman and Goggin
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